

**RESOLUTION GRANTING THIRD ROUND SUBSTANTIVE CERTIFICATION #24-09**

**Blairstown Township, Warren County**

WHEREAS, Blairstown Township, Warren County, petitioned the Council on Affordable Housing (COAH) for third round substantive certification of a Housing Element and Fair Share Plan addressing its total 1987-2018 affordable housing obligation on December 23, 2008; and

WHEREAS, Blairstown's petition was deemed complete on January 23, 2009; and

WHEREAS, Blairstown published notice of its petition in the *Express Times* on January 27, 2009, which is a newspaper of general circulation within the county, pursuant to N.J.S.A. 52:27D-313 and N.J.A.C. 5:96-3.5; and

WHEREAS, no objections to the plan were received by COAH during the 45-day objection period, which ended March 13, 2009; and

WHEREAS, on May 4, 2009, Blairstown submitted a motion requesting a minor revision to its December 15, 2008 adopted Housing Element and Fair Share Plan in accordance with N.J.A.C. 5:96-3.4(b); and

WHEREAS, Blairstown Township served the motion upon the service list maintained by COAH as per N.J.A.C. 5:96-15.2(c)2; and

WHEREAS, the Township's minor revision to its adopted Housing Element and Fair Share Plan increases the number of units proposed for the municipally sponsored/100 percent affordable family rental development from 28 to 30 and decreases the number of units proposed for the municipally sponsored/100 percent affordable age-restricted rental development from 24 to 23 and requests an additional rental bonus; and

WHEREAS, during the comment period, COAH received no comments to Blirstown Township's motion requesting a minor revision to its adopted Housing Element and Fair Share Plan; and

WHEREAS, Blirstown Township's fair share plan addresses its rehabilitation obligation of 16 units, a 12-unit prior round obligation, and a 118-unit projected growth share obligation; and

WHEREAS, Blirstown Township's plan proposes to address its 16-unit rehabilitation obligation with 16 credits for units rehabilitated through its municipal rehabilitation program; and

WHEREAS, Blirstown Township's plan proposes to address its 12-unit prior round obligation with six post-1986 credits from the Phoenix Properties group home and three post-1986 credits and three rental bonuses from the Easter Seals group home; and

WHEREAS, Blirstown Township's plan proposes to address its projected growth share obligation with two post-1986 credits from the Easter Seals group home, for a total of two credits; and

WHEREAS, Blirstown Township's plan proposes to address its remaining 116-unit projected growth share obligation with five family rental units and five age-restricted rental units in a market to affordable program, 10 family rental units in an accessory apartment program, 23 age-restricted rental units in a proposed municipally sponsored/100 percent affordable development, 14 units of proposed supportive and special needs housing, and 30 family rental units and 29 rental bonuses in a proposed municipally sponsored/100 percent affordable development; and

WHEREAS, pursuant to N.J.A.C. 5:97-3.2(a)4, Blirstown has provided an implementation schedule that demonstrates a realistic opportunity and sets forth a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.6 for the

municipally sponsored/100 percent affordable family rental and age-restricted rental developments and the supportive and special needs housing development; and

WHEREAS, pursuant to N.J.A.C. 5:96-6.2(a)2, on June 22, 2009 COAH issued a Compliance Report (attached as Exhibit A and incorporated by reference herein) recommending approval of Blairstown Township's petition for third round substantive certification; and

WHEREAS, there was a 14-day period to submit comments to the COAH Compliance Report pursuant to N.J.A.C. 5:96-6.2(b) and COAH received no comments.

NOW THEREFORE BE IT RESOLVED the Housing Element and Fair Share Plan submitted by Blairstown Township comports to the standards set forth at N.J.S.A. 52:27D-314 and meets the criteria for third round substantive certification pursuant to N.J.A.C. 5:96-6.3; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-6.3(a) and after having reviewed and considered all of the above, COAH hereby approves Blairstown's motion for a minor revision to its adopted Housing Element and Fair Share Plan and grants third round substantive certification to Blairstown Township; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-6.3(e), Blairstown Township shall adopt all implementing Fair Share Ordinances within 45 days of the grant of substantive certification; and

BE IT FURTHER RESOLVED that if Blairstown Township fails to timely adopt its Fair Share Ordinances, COAH's grant of substantive certification shall be void and of no force and effect; and

BE IT FURTHER RESOLVED that Blairstown shall submit all Fair Share Ordinances to COAH upon adoption; and

BE IT FURTHER RESOLVED that Blairstown shall submit to COAH operating manuals for the accessory apartment and market to affordable programs within 45 days of the grant of substantive certification; and

BE IT FURTHER RESOLVED that Blairstown shall comply with COAH monitoring requirements as set forth in N.J.A.C. 5:96-11, including reporting Blairstown's actual growth pursuant to N.J.A.C. 5:97-2.5; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-10.1, COAH shall conduct biennial plan evaluations upon substantive certification of Blairstown's Housing Element and Fair Share Plan to verify that the construction or provision of affordable housing has been in proportion to the actual residential growth and employment growth in the municipality and to determine that the mechanisms addressing the projected growth share obligation continue to present a realistic opportunity for the creation of affordable housing; and

BE IT FURTHER RESOLVED that if upon any biennial review the difference between the number of affordable units constructed or provided in Blairstown and the number of units required pursuant to N.J.A.C. 5:97-2.5 results in a pro-rated production shortage of 10 percent or greater, the Township is not adhering to its implementation schedule pursuant to N.J.A.C. 5:97-3.2(a)4, or the mechanisms addressing the projected growth share obligation no longer present a realistic opportunity for the creation of affordable housing, COAH may direct Blairstown Township to amend its plan to address the shortfall; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:97-2.5(e), if the actual growth share obligation determined is less than the projected growth share obligation, Blairstown shall continue to provide a realistic opportunity for affordable housing to address the projected growth share; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-6.3(b), Blairstown's substantive certification shall remain in effect until December 23, 2018; and

BE IT FURTHER RESOLVED that any changes to the facts upon which this substantive certification is based or any deviations from the terms and conditions of this substantive certification which affect the ability of Blairstown Township to provide for the realistic opportunity of its fair share of low and moderate income housing and which the Township fails to remedy, may render this certification null and void.

I hereby certify that this resolution was  
duly adopted by the Council on Affordable  
Housing at its public meeting on July 8, 2009.

A handwritten signature in black ink, reading "Renee Reiss". The signature is written in a cursive, flowing style. The first name "Renee" is written with a large, looping capital "R", and the last name "Reiss" follows in a similar cursive script.

Renee Reiss, Secretary  
Council on Affordable Housing



***Council on Affordable Housing  
Compliance Report  
June 19, 2009***



**Municipality:** Blairstown Township  
**County:** Warren County

**COAH Region:** 2  
**Planning Areas:** 4, 4B, 5  
**Special Resource Area:** None

**Housing Element and Fair Share Plan Adopted:** 12/15/2008  
**Petition for 3<sup>rd</sup> Round Substantive Certification:** 12/23/2008  
**Completeness Determination:** 1/23/2009  
**Date of Publication:** 1/27/2009

**Amendment to Housing Element and Fair Share Plan Adopted:**  
4/27/2009  
**Motion for Minor Revision Submitted:** 5/4/2009

**Objections Received:** No  
**Motion Comments Received:** No

**Petition Includes:**  
**VLA:** No  
**GPA:** No  
**Waiver:** No

**Date of Site Visit:** 5/22/2009

**History of Approvals:**

	<b>COAH</b>	<b>JOC</b>	<b>N/A</b>
<b>First Round:</b>			X
<b>Second Round:</b>	4/1/1998		
<b>Extended Certification:</b>			X

**Plan Preparer:** John Madden, P.P., AICP – Maser Consulting

**Municipal Housing Liaison:** Theresa Tamburro

**Recommendation:** Grant Substantive Certification

***SUMMARY OF FAIR SHARE OBLIGATION***

Rehabilitation Share	16
Prior Round Obligation	12
Projected Growth Share Obligation (Net)	118

***ACTUAL GROWTH and GROWTH SHARE through 9/30/08<sup>1</sup>***

Res Units (#)	Actual Res Growth Share	Jobs (#)	Actual Non-Res Growth Share	Actual TOTAL Growth Share
60	12	134	8	20

***COMPLIANCE PLAN SUMMARY***

Obligation	Credit/ Mechanism Type	# Units Completed	# Units Proposed	TOTAL
<b>Rehabilitation: 16 units</b>				
<b>Credits</b>	Post-April 1, 2000	16		16
<b>Rehabilitation Subtotal</b>				<b>16</b>
<b><i>NEW CONSTRUCTION</i></b>				
<b>Prior Round: 12 units</b>				
<b>Credits</b>	Post-1986	9		9
<b>Prior Round Bonuses</b>	Rental	3	-	3
<b>Prior Round Subtotal</b>				<b>12</b>
<b>Growth Share: 118 units</b>				
<b>Credits</b>	Post-1986	2		2
<b>Proposed Mechanisms</b>	Supportive/Special Needs	-	14	14
	Accessory Apartments	-	10	10
	Market to Affordable	-	10	10
	Municipally Sponsored	-	53	53
<b>Growth Share Bonuses</b>	Rental	-	29	29
<b>Growth Share Subtotal</b>				<b>118</b>

<sup>1</sup> This number does not take into account allowable exclusions permitted under N.J.A.C. 5:97-2.5; therefore, the actual growth share may vary.

## **I. HOUSING ELEMENT**

Pursuant to N.J.S.A. 40:55D-28(b), the Housing Element is a required section of the Municipal Master Plan. The Housing Element must be designed to achieve the goal of access to affordable housing to meet existing and future housing needs, with special attention given to low- and moderate-income households. The housing needs analysis must include demographic information on existing and projected housing stock and employment characteristics, a quantification of low- and moderate-income housing need, and a consideration of the lands within the municipality that are most appropriate to accommodate such housing. Blairstown's Housing Element includes sufficient information regarding housing stock, demographic and employment characteristics and population trends pursuant to N.J.S.A. 52:27D-310.

Under N.J.A.C. 5:97-2.1(b), the Housing Element must also set forth the municipality's fair share obligation, which is the sum of the rehabilitation share, the prior round obligation, and the growth share obligation.

### **A. Rehabilitation Share**

The rehabilitation share is the number of existing housing units within a municipality as of April 1, 2000, that are both deficient and occupied by households of low or moderate income. As indicated in Appendix B of N.J.A.C. 5:97, Blairstown has a rehabilitation share of 16 units.

### **B. Prior Round Obligation**

The prior round obligation is the cumulative 1987-1999 new construction obligation provided in Appendix C of N.J.A.C. 5:97. Blairstown has a prior round obligation of 12 units.

### **C. Projected Growth Share**

The projected growth share is initially calculated based on household (residential) and employment (non-residential) 2004-2018 projections. Pursuant to Appendix F of N.J.A.C. 5:97, Blairstown has a residential projection of 402 units and a non-residential



projection of 597 jobs, which results in an initial projected growth share obligation of 118 affordable units.<sup>2</sup>

#### **SUMMARY OF FAIR SHARE OBLIGATION**

Rehabilitation Share	16
Prior Round Obligation	12
Projected Growth Share Obligation (Net)	118

## **II. FAIR SHARE PLAN**

A Fair Share Plan, as required under N.J.A.C. 5:97-3.1, describes the completed or proposed mechanisms and funding sources, if applicable, that will be utilized to specifically address a municipality's rehabilitation share, prior round obligation, and growth share obligation and includes the draft ordinances necessary to implement that plan. Affordable housing must be provided in direct proportion to the growth share obligation generated by the actual growth.

Blairstown's Fair Share Plan, and the supporting documentation incorporated by reference therein, address the requirements of N.J.A.C. 5:97-3.1 as follows:

### **A. Plan to Address Rehabilitation Share**

#### **Rehabilitation Share Credits**

Blairstown is requesting credit for 16 units rehabilitated through a municipal rehabilitation program subsequent to April 1, 2000. In accordance with N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11.

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<sup>2</sup> Pursuant to N.J.A.C. 5:97-2.2(d), Blairstown's residential projection of 402 is divided by 5 to yield 80.4 units and the non-residential projection of 597 jobs is divided by 16 to yield 37.3 units. Blairstown's total projected growth share is therefore 118 units (80.4 + 37.3).

### Rehabilitation Credits

Rehabilitation Program	# Credits
Blairstown Rehabilitation Program	16
<b>TOTAL</b>	<b>16</b>

### Proposed Rehabilitation Programs

Blairstown is relying on credits and therefore is not proposing any additional rehabilitation programs to address its rehabilitation share.

### **B. Plan to Address Prior Round Obligation**

### Prior Round Obligation Credits

Blairstown is addressing its prior round obligation with nine post-1986 credits and three bonuses. In accordance with N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11.

### Post-1986 Credits

Project/Development Name	Year	Type of Affordable Unit	# Units/Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
Easter Seals Group Home	1998	S/SN housing	3	Rental	3	6
Phoenix Properties Group Home	2001	S/SN housing	6	-	0	6
<b>Subtotal</b>			<b>9</b>		<b>3</b>	
<b>TOTAL</b>						<b>12</b>

### Proposed Affordable Housing Mechanisms

Blairstown is relying on credits and therefore is not proposing any additional affordable housing mechanisms to address its prior round obligation.

### **Prior Round Obligation Parameters**

Blairstown has satisfied the applicable prior round parameters as follows:

#### **Prior Round Rental Obligation<sup>3</sup>: 3 Units**

<b>Development/Project Name</b>	<b>Type of Affordable Unit</b>	<b># Units</b>
Easter Seals Group Home	S/SN housing	3
Phoenix Properties Group Home	S/SN housing	6
<b>TOTAL</b>		<b>9</b>

#### **Prior Round Rental Bonus Maximum<sup>4</sup>: 3 Units**

<b>Development/Project Name</b>	<b>Type of Bonus</b>	<b># Bonuses</b>
Easter Seals Group Home	Rental	3
<b>TOTAL</b>		<b>3</b>

### **C. Plan to Address Projected Growth Share**

#### **Growth Share Obligation Credits**

Blairstown is addressing two units of its projected growth share obligation with two units of credit. In accordance with N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11.

#### **Post-1986 Credits**

<b>Project/Development Name</b>	<b>Year</b>	<b>Type of Affordable Unit</b>	<b># Units/Bedrooms</b>	<b>Bonus Type</b>	<b># Bonuses</b>	<b>Total Units/Bedrooms + Bonuses</b>
Easter Seals Group Home <sup>5</sup>	1998	S/SN housing	2	-	0	2
<b>TOTAL</b>			<b>2</b>		<b>0</b>	<b>2</b>

<sup>3</sup> Rental Obligation: .25(PRO-Prior Cycle Credits) or .25(12-0)= 3 units N.J.A.C. 5:97-3.10(b)1

<sup>4</sup> No rental bonuses shall be granted for rental units in excess of the prior round rental obligation, therefore, PR Rental Bonus Maximum = PR Rental Obligation or 3 units N.J.A.C. 5:97-3.5

<sup>5</sup> This group home contains five bedrooms. Three bedrooms are being used to address the prior round obligation and two bedrooms are being used to address the growth share obligation.

**Motion for Minor Revision to Adopted Housing Element and Fair Share Plan/Proposed Affordable Housing Mechanisms**

On May 4, 2009, Blairstown submitted a motion requesting a minor revision to its December 15, 2008 adopted Housing Element and Fair Share Plan in accordance with N.J.A.C. 5:96-3.4(b). The amendment to its Housing Element and Fair Share Plan increases the number of units proposed for the municipally sponsored/100% affordable family rental development from 28 to 30 and decreases the number of units proposed for the municipally sponsored/100% affordable age-restricted rental development from 24 to 23 and requests an additional rental bonus.

Blairstown proposes to address its remaining 116-unit growth share obligation through the following mechanisms:

***Market to Affordable Program***

Blairstown will utilize a market to affordable program to address 10 units of its projected growth share obligation.

Blairstown will convert five existing market rate units to affordable family rental units and five existing market rate units to age-restricted rental units. According to the 2000 Census, Blairstown contains 257 rental units with a median rent of \$882. The Township plans to target existing rental units in the “village” area of the municipality, where the majority of apartments in Blairstown are located.

The Township reports that its Housing Subcommittee has already met and will continue to meet with existing rental property owners to discuss participating in the program and has provided letters of interest in participating in the program from the owners of two separate two-family rental units.

The Township does not anticipate prioritizing either the family units or the age-restricted units, but will create the units in accordance with property owners who take advantage of the program.

The Township will provide a minimum subsidy of \$25,000 per unit to subsidize moderate-income units and \$30,000 per unit to subsidize low-income units. Blairstown anticipates using \$300,000 in affordable housing trust funds to fund the program. The

program is included in Blairstown's spending plan. Blairstown has provided a resolution of intent to bond in the event of a shortfall of funding that was passed by the Township Committee on December 10, 2008.

Blairstown has designated Theresa Tamburro, Township municipal housing liaison, as the administrative agent responsible for administering the program. Blairstown has provided a draft affirmative marketing plan and must provide an operating manual for the market to affordable program. The units must be certified to be in sound condition as a result of an inspection performed by a licensed building inspector, be affirmatively marketed, and have the proper affordability controls and rental pricing.

#### ***Accessory Apartment Program***

Blairstown will rely on an accessory apartment program to address 10 units of its projected growth share obligation.

Blairstown has an existing accessory apartment ordinance that is proposed to be modified to permit accessory apartments in all residential districts and to remove a condition that all accessory apartments must be age-restricted. A copy of the draft amended accessory apartment ordinance was provided. The Township contains no public sewage disposal system, and the public water system is limited to a confined area. The accessory apartment ordinance therefore specifies that no building permit shall be issued for an accessory apartment until the Blairstown Township Board of Health has determined that the sewage disposal system and water supply for the apartment is adequate. Blairstown's ordinance permits accessory apartments to be created within an existing home, created in an existing accessory structure, or created as an addition to the existing home or accessory structure. The Township's housing stock and residential lots lend themselves to an accessory apartment program, as the Township is typified by large single-family homes on large lots, many of which have existing accessory structures suitable for conversion to an accessory apartment.

Blairstown will dedicate a minimum of \$20,000 for moderate-income units and a minimum of \$25,000 for low-income units to subsidize the physical creation of an accessory apartment. Blairstown anticipates utilizing \$250,000 in affordable housing trust funds to fund the program. The program is included in Blairstown's spending plan.

Blairstown has provided a resolution of intent to bond in the event of a shortfall of funding that was passed by the Township Committee on December 10, 2008. Blairstown anticipates two accessory apartments being created in 2009, one apartment being created in 2010, and one unit a year being created from 2012-2018.

Blairstown has designated Theresa Tamburro, Township municipal housing liaison, as the administrative agent responsible for administering the program. Blairstown has provided an affirmative marketing plan and must provide an operating manual for the accessory apartment program. The units must be affirmatively marketed and have the proper affordability controls and rental pricing.

### ***Municipally Sponsored/100% Affordable Developments***

Blairstown will rely on two municipally sponsored/100% affordable housing developments to address 82 units of its projected growth share obligation, including 29 rental bonuses.

Blairstown will follow an implementation schedule in developing both municipally sponsored/100% affordable housing developments. Pursuant to N.J.A.C. 5:97-3.2(a)4, Blairstown has provided an implementation schedule that demonstrates a realistic opportunity and sets forth a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.7.

One or both 100% affordable developments are potentially to be located on a 16 acre municipally owned parcel at 77 Stony Brook Road. The Township reports that it will seek other sites for one or both of the developments, but will utilize the municipally owned parcel in the event other suitable sites are not found. There are no known environmental constraints on the property that would impact development. Adjacent land uses include agriculture and undeveloped forested land. The site is located in Planning Area 5. The site is situated in the R-5 zone and is presently vacant. Although the site does not contain sewer or water, the Township anticipates that the site will be served by a package sewage treatment plan. COAH received a memorandum from the Township's engineer dated June 19, 2009 which states that an on-site well and storage system would provide adequate water for the site, that the Township expects that the site will utilize an on-site package sewage treatment plant and that commercial package treatment plants are

available to accommodate the flows anticipated on the site. A permit from the New Jersey Department of Environmental Protection will ultimately be required for the on-site package sewage treatment plan. One proposed development will consist of 23 age-restricted affordable rental units, while the other proposed development will consist of 30 affordable family rental units. The Township included in its petition a letter from Conifer Realty, LLC, an affordable housing developer, expressing interest in pursuing a 100% affordable housing development in Blairstown. The Township anticipates resuming discussions with developers subsequent to substantive certification.

Blairstown is proposing to dedicate \$92,658 in affordable housing trust funds to the family rental development and \$71,038 in affordable housing trust funds to the age-restricted rental development. The Township anticipates seeking and receiving additional funding sources to assist in financing the developments, in accordance with the implementation schedules of both projects. Both developments are included in Blairstown's spending plan. Blairstown has provided a resolution of intent to bond in the event of a shortfall of funding that was passed by the Township Committee on December 10, 2008.

The Township's mechanism checklist form includes a timetable for each step of the development process in accordance with N.J.A.C. 5:97-6.7(d)1. This timetable indicates that approvals for both developments are schedule to occur in 2014 and that construction on both developments is schedule to begin in 2015. Supporting documentation for each development is required to be submitted to COAH no later than two years before construction on each respective project begins.

The Township owns the site and will provide \$92,658 in affordable housing trust funds to facilitate the construction of the proposed 30 family rental units and will actively pursue other funds in accordance with its implementation schedule. The Township has also provided a letter from an affordable housing developer expressing interest in pursuing a 100% affordable development in the Township. Pursuant to N.J.A.C. 5:97-3.6(a)3, the Township has provided a firm commitment for construction of the units and is thus eligible to receive 29 rental bonuses. In the event the units are not constructed in

accordance with its implementation schedule, Blairstown may lose the rental bonuses pursuant to N.J.A.C. 5:97-3.6(a)3ii.

### ***Supportive and Special Needs Housing***

Blairstown will rely on three supportive and special needs housing developments to address 14 units of its projected growth share obligation.

Blairstown will follow an implementation schedule in developing all three supportive and special needs housing developments, which the Township anticipates will be group homes. Pursuant to N.J.A.C. 5:97-3.2(a)4, Blairstown has provided an implementation schedule that demonstrates a realistic opportunity and sets forth a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.7.

The Township owns two parcels located at 36 Gaisler Road and 38 Gaisler Road that are identified as being the locations for two of the group homes. Both sites are approximately one acre in size, are presently vacant, and are located in Planning Area 5. Adjacent land uses include agriculture and single-family residential dwellings. Both sites are located in the R-5 zone, which permits group homes. Although there is no public water and sewer on the sites, they will both served by wells and septic systems. There are no known environmental constraints on the two properties that would impact development. The site for the third group home has yet to be identified. Blairstown has indicated that it is willing to sell or to donate the parcels owned by the Township to group home developers. Township officials have met with and have made overtures to three developers of supportive and special needs housing regarding developing group homes on the Township owned parcels. Community Options, Inc. provided a letter to Blairstown dated September 4, 2008 indicating that it would accept the Township's donation of a one acre parcel on which to construct a five-bedroom group home. Upon receipt of substantive certification, the Township expects to move forward to formalize an agreement with Community Options.

Blairstown anticipates expending \$105,000 in affordable housing trust funds in support of the three group homes. This expenditure is included in Blairstown's spending



plan. Blairstown has provided a resolution of intent to bond in the event of a shortfall of funding that was passed by the Township Committee on December 10, 2008.

The Township's mechanism checklist form includes a timetable for each step of the development process in accordance with N.J.A.C. 5:97-6.7(d)<sup>1</sup>. This timetable indicates that construction on one group home, to contain five bedrooms, will begin in December 2014 and will be occupied in June 2015 and that construction on the second and third group homes, to contain nine total bedrooms, will begin in December 2016 and will be occupied in June 2017. Supporting documentation for each development is required to be submitted to COAH no later than two years before construction on each respective project begins.

#### ***Inclusionary Development- Levitt/Solondz Subdivision***

Blairstown has identified 70 Sand Hill Road as the location for a potential inclusionary development yielding two affordable housing units to address its growth share obligation.

The development, known as the Levitt/Solondz subdivision, received a final major subdivision approval from the Blairstown Planning Board on June 20, 2005 to construct seven market rate units and two affordable units. This approval was subsequently granted an extension by the Blairstown Planning Board on July 21, 2008, which extended the approval through March 18, 2009. The extension was conditioned upon the applicant entering into a developer's agreement with the Township and providing two affordable housing units. The zoning on the site does not require an affordable housing set-aside, but the applicant volunteered to construct two affordable units on site. The Township has reported that no developer's agreement has been entered into, no development activity has commenced on the site, and that the applicant has not sought an additional extension of the subdivision approval. As such, no credits can be granted at this time for the two affordable units approved pursuant to the June 20, 2005 and July 21, 2008 actions of the Blairstown Planning Board. If at such time the applicant makes a new application for development at the site that includes affordable units and enters into a developer's agreement with the Township, COAH will revisit granting credit for any affordable housing units created through such development.

**Proposed Growth Share AH Mechanisms**

<b>Type/Name of Affordable Housing Mechanism</b>	<b>Type of Affordable Unit</b>	<b># Units/Bedrooms</b>	<b>Bonus Type</b>	<b># Bonuses</b>	<b>Total Units/Bedrooms + Bonuses</b>
Market to Affordable Program	Family rental	5	-	0	5
Market to Affordable Program	Age-restricted rental	5	-	0	5
Accessory Apartment Program	Family rental	10	-	0	10
Municipally Sponsored/100% Affordable Project	Family rental	30	Rental	29	59
Municipally Sponsored/100% Affordable Project	Age-restricted rental	23	-	0	23
Group Homes	S/SN housing	14	-	0	14
Inclusionary Development	Family sale	0	-	0	0
<b>TOTALS</b>		<b>87</b>		<b>29</b>	<b>116</b>

**Growth Share Parameters**

Blairstown has satisfied the applicable growth share parameters as follows:

**Growth Share Rental Obligation<sup>6</sup>: 30 Units**

<b>Development/Project Name</b>	<b>Type of Affordable Unit</b>	<b># Units</b>
Easter Seals Group Home	S/SN housing	2
Group Homes	S/SN housing	14
Accessory Apartment Program	Family rental	10
Market to Affordable Program	Family rental	5
Market to Affordable Program	Age-restricted rental	5
Municipally Sponsored/100% Affordable Project	Family rental	30
Municipally Sponsored/100% Affordable Project	Age-restricted rental	23
<b>TOTAL</b>		<b>89</b>

<sup>6</sup> Projected Growth Share Rental Obligation: .25(Projected Growth Share) or .25(118)= 30 units N.J.A.C. 5:97-3.10(b)3

**Growth Share Family Rental Requirement<sup>7</sup>: 15 Units**

Development/Project Name	Type of Affordable Unit	# Units
Accessory Apartment Program	Family rental	10
Market to Affordable Program	Family rental	5
<b>TOTAL</b>		<b>15</b>

**Growth Share Minimum Family Requirement<sup>8</sup>: 44 Units**

Development/Project Name	Type of Affordable Unit	# Units
Accessory Apartment Program	Family rental	10
Market to Affordable Program	Family rental	5
Municipally Sponsored/100% Affordable Project	Family rental	30
<b>TOTAL</b>		<b>45</b>

**Very Low Income Minimum Requirement<sup>9</sup>: 12 Units**

Development/Project Name	Type of Affordable Unit	# Units
Group Homes	S/SN housing	14
<b>TOTAL</b>		<b>14</b>

**Age-Restricted Maximum<sup>10</sup>: 29 Units**

Development/Project Name	Type of Affordable Unit	# Units
Municipally Sponsored/100% Affordable Project	Age-restricted rental	23
Market to Affordable Program	Age-restricted rental	5
<b>TOTAL</b>		<b>28</b>

<sup>7</sup> Projected Growth Share Family Rental Requirement: .5(Projected Growth Share Rental Requirement) or .5(30)= 15 units N.J.A.C. 5:97-3.4(b)

<sup>8</sup> Projected Growth Share Minimum Family Requirement: .5(Units Addressing Growth Share Obligation) or .5(89)= 44 units N.J.A.C. 5:97-3.9

<sup>9</sup> Growth Share Very Low Income Requirement: .13(Units Addressing Growth Share Obligation) or .13(89)= 12 units N.J.S.A. 52:27D-329.1

<sup>10</sup> Projected Growth Share Age Restricted Maximum: .25(Projected Growth Share) or .25(118)= 29 units N.J.A.C. 5:97-3.10(c)2

**Bonus Maximum<sup>11</sup>: 29 Bonuses**

Development/Project Name	Type of Bonus	# Bonuses
Municipally Sponsored/100% Affordable Project	Rental	29
<b>TOTAL</b>		<b>29</b>

**Actual Growth Share Obligation**

The actual growth share obligation will be based on permanent certificates of occupancy issued within the municipality for market-rate residential units and newly constructed or expanded non-residential developments in accordance with Appendix D of N.J.A.C. 5:97. At plan evaluation review pursuant to N.J.A.C. 5:96-10, COAH will compare the actual growth share obligation with the actual number of affordable units constructed.

The New Jersey Department of Community Affairs (NJ DCA) *Construction Reporter* indicates that between January 1, 2004 and September 30, 2008, Blairstown has issued certificates of occupancy for 62 housing units and also for the nonresidential square footage equivalent of 134 jobs, yielding an actual growth share obligation through September 30, 2008, of 20 affordable units.<sup>12</sup>

**D. Summary of Plan to Address Fair Share Obligation**

**REHABILITATION SHARE SUMMARY**

**Rehabilitation Share: 16 Units**

Program Name	Credits	Proposed
Blairstown Rehabilitation Program	16	0
<b>Subtotal</b>	<b>16</b>	<b>0</b>
<b>TOTAL</b>		<b>16</b>

<sup>11</sup> Projected Bonus Maximum:  $.25(\text{Projected Growth Share})$  or  $.25(118) = 29$  units N.J.A.C. 5:97-3.20(b)

<sup>12</sup> The number of residential COs (62) is divided by 5 to yield 12 units and the number of jobs (134) is divided by 16 to yield 8 units. Blairstown's actual growth share is therefore 20 units (12 + 8). **Note:** This number does not take into account allowable exclusions permitted under N.J.A.C. 5:97-2.4; therefore, the actual growth share may vary.

### PRIOR ROUND SUMMARY

**Prior Round Obligation: 12 Units**

	<b>Name of Mechanism</b>	<b># Units/ Bedrooms</b>	<b>Bonus Type</b>	<b># Bonuses</b>	<b>Total Units/Bedrooms + Bonuses</b>
<b>Post-1986 Credits</b>	Easter Seals Group Home	3	Rental	3	6
	Phoenix Properties Group Home	6	-	0	6
<b>Subtotal</b>		<b>9</b>		<b>3</b>	
<b>TOTAL</b>					<b>12</b>

### GROWTH SHARE SUMMARY

**Projected Growth Share Obligation: 118 Units**

	<b>Name of Mechanism</b>	<b># Units/ Bedrooms</b>	<b>Bonus Type</b>	<b># Bonuses</b>	<b>Total Units/Bedrooms + Bonuses</b>
<b>Post-1986 Credits</b>	Easter Seals Group Home	2	-	0	2
<b>Subtotal</b>		<b>2</b>		<b>0</b>	
<b>Proposed Mechanisms</b>	Market to Affordable Program	10	-	0	10
	Accessory Apartment Program	10	-	0	10
	Municipally Sponsored/100% Affordable Project	30	Rental	29	59
	Municipally Sponsored/100% Affordable Project	23	-	0	23
	Group Homes	14	-	0	14
	Inclusionary Development	0	-	0	0
<b>Subtotal</b>		<b>87</b>		<b>29</b>	
<b>TOTAL</b>					<b>118</b>

### **III. FAIR SHARE DOCUMENT REVIEW**

#### **A. Development Fee Ordinance**

Blairstown submitted an amended development fee ordinance for COAH's review and approval with its third round petition. This amended development fee ordinance was approved by COAH on March 27, 2009.

#### **B. Third Round Spending Plan**

A revised third round spending plan was submitted by Blairstown with its third round petition for COAH's review and approval. The spending plan will be reviewed by COAH in a separate report.

#### **C. Affordable Housing Ordinance/Affordable Housing Administration**

Blairstown has submitted a draft affordable housing ordinance that comports with the requirements of the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 et seq., which was amended on December 20, 2004. The draft proposed ordinance has been amended to include compliance with the Barrier Free Subcode of the State Uniform Construction Code Act (N.J.S.A. 52:27D-119 et seq.) and the accessibility requirements of N.J.S.A. 52:27D-123.15. The draft ordinance must be adopted within 45 days of COAH's grant of substantive certification and submitted to COAH immediately upon adoption.

An ordinance establishing the position of a municipal housing liaison and a resolution appointing Theresa Tamburro to the position of municipal housing liaison were adopted by Blairstown on March 12, 2008.

Blairstown is responsible for the continued re-sale and re-rental of existing affordable units and the initial sale and rental of newly constructed affordable units within the municipality and must identify an experienced administrative entity for that purpose by the contract, agreement or letter. Blairstown has submitted a resolution designating Theresa Tamburro as its administrative entity for all affordable units. Pursuant to N.J.A.C. 5:96-18.3, Blairstown's administrative agent must successfully complete COAH's education program for administrative agents and must also attend

continuing education opportunities related to the creation, preservation and administration of affordable housing programs and/or affordable units. Additionally, pursuant to N.J.A.C. 5:80-26.14(b), Blairstown must submit a written operating manual for administering affordable units within the municipality.

#### **D. Affirmative Marketing Plan**

Blairstown has submitted a draft affirmative marketing plan that comports with the requirements of the UHAC and ensures the units in the Township's 1987-2018 Fair Share Plan and all future affordable housing units will be affirmatively marketed to the region upon initial sale/rental and re-sale/re-rental. Once approved by COAH, the affirmative marketing plan must be adopted by resolution by Blairstown within 45 days of COAH's grant of substantive certification and submitted to COAH.

#### **IV. MONITORING**

Blairstown must comply with COAH monitoring requirements as set forth in N.J.A.C. 5:96-11, including reporting the municipality's actual growth pursuant to N.J.A.C. 5:97-2.5. As indicated above, credits for built units will be validated and verified by COAH staff during monitoring prior to the first biennial plan evaluation. It should be noted that credits for affordable housing programs and/or affordable units must be in compliance with N.J.A.C. 5:97-4. If the units are determined not to be eligible for credit, COAH will notify Blairstown in writing and the Township may be directed to amend its certified plan to address the shortfall.

Pursuant to N.J.A.C. 5:96-10.1, COAH will conduct biennial plan evaluations upon substantive certification of Blairstown's Housing Element and Fair Share Plan. The purpose of the plan evaluation is to verify that the construction or provision of affordable housing has been in proportion to the actual residential growth and employment growth in the municipality and to determine that the mechanisms addressing the projected growth share obligation continue to present a realistic opportunity for the creation of affordable housing. If upon any biennial review the difference between the number of affordable units constructed or provided in Blairstown and the number of units required pursuant to

N.J.A.C. 5:97-2.5 results in a pro-rated production shortage of 10 percent or greater, Blairstown is not adhering to its implementation schedule pursuant to N.J.A.C. 5:97-3.2(a)4, or the mechanisms addressing the projected growth share obligation no longer present a realistic opportunity for the creation of affordable housing, the Council may direct the municipality to amend its plan to address the shortfall.

## **V. RECOMMENDATION**

COAH staff recommends that Blairstown's motion for a minor revision to its adopted Housing Element and Fair Share Plan be approved and that Blairstown be granted third round substantive certification. Blairstown must adopt all necessary implementing ordinances, as well as its affirmative marketing plan, within 45 days of the grant of substantive certification and submit certified copies of the adopted ordinances to COAH within seven days of the adoption. The Township must additionally provide COAH with copies of operating manuals for the market to affordable and accessory apartment programs within 45 days of the grant of substantive certification.